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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEPHANIE LORAIN BARBA;)	NO. CIV.S—02—1287 DFL DAD
JESSICA LYNN BARBA; and)	
WILLIAM DREISEN, a Minor, by and)	STIPULATION OF DISMISSAL
Through his Guardian ad Litem,)	BECAUSE OF SETTLEMENT;
LEO DREISEN, Natural Children and)	and ORDER APPROVING
Children and Heirs at Law of and)	SETTLEMENT AND STIPULATION
Successors in Interest to Plaintiff)	OF DISMISSAL BECAUSE OF
TERESA ANN BARBA, Deceased,)	SETTLEMENT
)	
Plaintiffs,)	
)	
vs.)	
)	
FORD MOTOR COMPANY, et al.,)	
)	
Defendants.)	
_____)	

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES HEREIN
AND THEIR RESPECTIVE ATTORNEYS OF RECORD THAT:

1. The parties have reached a settlement in this matter.
2. The settlement was agreed to in private mediation on February 8, 2005, in the City of Red Bluff, Tehama County, California, before The Honorable Noel Watkins, Judge (retired) of the Superior Court of the State of California, County of Tehama.

3. The settling defendant, FORD MOTOR COMPANY will pay to MARILYN YOUNG, the natural mother of TERESA ANN BARBA; the adult plaintiffs, STEPHANIE LORAIN BARBA and JESSICA LYNN BARBA, the natural daughters of TERESA ANN BARBA; and the minor plaintiff, WILLIAM DREISEN, the natural son of TERESA ANN BARBA, the total sum of Thirty-One Thousand Four Hundred Seventy-Five Dollars (\$31,475.00) to be disbursed as indicated below. Additionally, the aforesaid settlement sum will be subject to attorneys' costs in the amount indicated below:

SETTLEMENT FUNDS DISTRIBUTION

Total Settlement Amount.....	\$31,475.00
Attorneys' Costs.....	<u>\$23,475.00</u>
(The total amount of costs incurred by Barr & Mudford, LLP in prosecuting this case on behalf of TERESA ANN BARBA is \$93,187.93, which amount far exceeds the total settlement sum. Therefore, Barr & Mudford, LLP (attorneys for plaintiffs herein) has reduced its cost bill by \$69,712.93 and waives its attorneys' fees.)	
Net Settlement (after Attorneys' Costs and Fees).....	\$ 8,000.00
Net Settlement Amount (After Costs and Fees) to be Paid to Adult Plaintiff STEPHANIE LORAIN BARBA	\$ 2,000.00
Net Settlement Amount (After Costs and Fees) to be Paid to Adult Plaintiff JESSICA LYNN BARBA	\$ 2,000.00
Net Settlement Amount (After Costs and Fees) to be Paid to MARILYN YOUNG	\$ 2,000.00
Net Settlement Amount (After Costs and Fees) to be Paid to Minor Plaintiff WILLIAM DREISEN	\$ 2,000.00

OUTSTANDING MEDICAL LIENS

4. A medical lien in the amount of \$417,639.65 asserted by the State of California,

1 Department of Health Services; and a medical lien in the amount of \$194,439.50 asserted by the
 2 State of Oregon, Department of Human Services, are waived, because the total settlement
 3 amount is less than the legal costs incurred by Barr & Mudford, LLP in prosecuting this case.

4 5. The settlement amount of Thirty-One Thousand Four Hundred Seventy-Five
 5 Dollars (\$31,475.00) is deemed to be in good faith and bars any and all future action(s) (by any
 6 and all plaintiffs) arising out of the automobile accident that occurred on April 12, 2001, in the
 7 City of Yreka, County of Siskiyou, State of California, in which plaintiffs' loved one, TERESA
 8 ANN BARBA ("decedent"), sustained severe injuries that subsequently resulted in her death on
 9 November 19, 2003. Specifically, the claim(s) and/or any future claim(s) of MARILYN
 10 YOUNG (the decedent's mother); and the claim(s) and/or any future claim(s) of the adult
 11 plaintiffs, STEPHANIE LORAIN BARBA (the decedent's natural daughter) and JESSICA
 12 LYNN BARBA (the decedent's natural daughter); and the claim(s) and/or any future claim(s) of
 13 the minor plaintiff, WILLIAM DREISEN (the decedent's natural son), who are the heirs at law
 14 and successors in interest to the decedent plaintiff, TERESA ANN BARBA, against defendant
 15 FORD MOTOR COMPANY in connection with the automobile accident of April 12, 2001, and
 16 the resultant death of TERESA ANN BARBA on November 19, 2003, will be completely and
 17 forever resolved and settled upon the signing of the *Order Approving Stipulation of Dismissal*
 18 *Because of Settlement* (which is a part hereof) by the Honorable David F. Levi, Judge of the
 19 United States District Court, Eastern District of the State of California.
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 21

22
 23 **REGARDING SETTLEMENT ON BEHALF OF PLAINTIFF**

24 **WILLIAM DREISEN, A MINOR**

25 WILLIAM DREISEN, a minor, by and through his Guardian ad Litem, LEO DREISEN,
 26 hereinafter respectfully alleges:

6. On April 23, 2004, by Order of The Honorable David F. Levi, Judge of the above-entitled court, LEO DREISEN was appointed as the Guardian ad Litem of the minor plaintiff, WILLIAM DREISON, authorizing LEO DREISEN to act in that capacity on behalf of the minor, WILLIAM DREISON, in the above-captioned case.

7. In his capacity of Guardian ad Litem, LEO DREISON hereby seeks leave of this Court to settle the minor's claim in connection with the death of the minor's mother, TERESA ANN BARBA, and to execute this *Stipulation of Dismissal Because of Settlement* and to execute any and all other documents necessary to finalize the settlement on behalf of the minor, WILLIAM DREISON, as set forth hereinabove.

8. Further, LEO DREISON, in his capacity of Guardian ad Litem for WILLIAM DREISON (the minor plaintiff herein), respectfully requests that the Court issue an *Order* regarding monies received on behalf of the minor. Specifically, LEO DREISON requests an *Order* of this Court that, pursuant to *Probate Code, Article 2, §3611(e)*, the minor's net settlement sum of \$2,000.00 be paid in one lump sum to the minor's father and Guardian ad Litem, LEO DREISON, to be used at his sole discretion for the benefit of the minor, because the net settlement amount of Two Thousand Dollars (\$2,000.00) (after costs) realized by the minor in this matter is less than Five Thousand Dollars (\$5,000.00). The aforesaid requested *Order* is part of and incorporated into the "Order" portion of this stipulation.

9. **NAME, AGE AND DATE OF BIRTH OF MINOR:**

WILLIAM DREISEN (hereinafter referred to as "the minor")

Fifteen (15) Years of Age Date of Birth: October 30, 1988

10. **RESIDENCE OF WILLIAM DREISEN, MINOR :**

300 Melanie Circle, Orland (Glenn County), California 95963

11. **RESIDENCE OF LEO DREISEN, GUARDIAN AD LITEM FOR MINOR:**

300 Melanie Circle, Orland (Glenn County), California 95963

12. **DATE OF INCIDENT:**

April 12, 2001; and November 19, 2003

13. **PLACE AND CIRCUMSTANCES OF INCIDENT:**

The minor is the natural son of LEO DREISEN and TERESA ANN BARBA. On April 12, 2001, TERESA ANN BARBA was driving her 1989 Ford Tempo automobile (hereinafter referred to as "the Ford") on Fairlane Road in the City of Yreka, County of Siskiyou, State of California, when she lost control of the Ford so that it left the roadway, struck a mail box and a utility pole, rolled over and crashed. The aforesaid automobile accident is hereinafter referred to as "the accident." At the time of the accident, the Ford was alleged to be in a dangerous and defective condition and is alleged to have contributed to the death of TERESA ANN BARBA.

Damages Sustained by Plaintiff William Dreisen, a Minor:

14. The minor plaintiff, WILLIAM DREISEN, suffered the loss of his mother, TERESA ANN BARBA, who died on November 19, 2003, as a result of injuries she sustained in the accident and as a result of the alleged defective product(s) (the Ford and its component parts), as described hereinabove.

15. As a result of the accident and the resultant death of his mother, TERESA ANN BARBA, the minor has a disputed claim for the wrongful death of his mother against defendant FORD MOTOR COMPANY. Defendant FORD MOTOR COMPANY denies liability for the injuries and/or damages suffered by the minor but, by way of compromise, has offered to pay a total settlement sum of Thirty-One Thousand Four Hundred Seventy-Five Dollars (\$31,475.00); in consideration of a full and final release and discharge of and from all claims, charges and demands of the minor plaintiff because the net settlement amount of Two Thousand Dollars (\$2,000.00) (after costs) realized by the minor in this matter is less than Five Thousand Dollars

1 (\$5,000.00), and all other plaintiffs arising from the accident and the subsequent death of
2 TERESA ANN BARBA (“decendent”).

3 16. This stipulation was prepared by BARR & MUDFORD, LLP, representing
4 MARILYN YOUNG (the mother of TERESA ANN BARBA); the adult plaintiffs, STEPHANIE
5 LORAIN and JESSICA LYNN BARBA (the natural daughters of TERESA ANN BARBA);
6 and the minor plaintiff, WILLIAM DREISEN (the natural son of TERESA ANN BARBA).

7 17. LEO DREISEN, in his capacity as Guardian ad Litem of the minor plaintiff
8 WILLIAM DREISEN (“the minor”), has made a careful and diligent inquiry and investigation to
9 ascertain the facts and circumstances relating to the aforesaid accident, the resultant death of
10 TERESA ANN BARBA and the responsibility therefor. Further, LEO DREISEN, as Guardian
11 ad Litem of and behalf of the minor, fully understands that, if the settlement proposed herein is
12 approved by this Court and is consummated, the minor, WILLIAM DREISEN, will be forever
13 barred and prevented from seeking any further recovery or compensation of any kind from the
14 settling defendant, FORD MOTOR COMPANY, even though said minor's damages might, in the
15 future, prove to be greater than thought now to be

16
17 18. LEO DREISEN, as the natural father and Guardian ad Litem of the minor,
18 WILLIAM DREISEN, hereby recommends the settlement, as proposed herein on behalf of the
19 minor, to the Court as being fair and reasonable and in the best interest of the minor.

20 19. Under the terms of the settlement between the parties, as described herein, the
21 parties respectfully request that this action be dismissed with prejudice upon the execution of this
22 *Stipulation of Dismissal Because of Settlement* by the parties and upon the signing of the *Order*
23 *Approving Settlement and Stipulation of Dismissal Because of Settlement* (which is a part
24 hereof) by The Honorable David F. Levi, Judge of the United States District Court, Eastern
25 District of California.
26

WHEREFORE, plaintiffs pray that this Court make its order approving this
Stipulation of Dismissal Because of Settlement, and for such other and further order as the
Court may deem reasonable and proper under the circumstances.

IT IS SO STIPULATED:

BARR & MUDFORD, LLP

Dated: May 12, 2005

By: /S/
DAVID CASE
Attorneys for Plaintiffs

SHOOK, HARDY & BACON, LLP

Dated: May 31, 2005

By: /S/
RANDALL D. HAIMOVICI
Attorneys for Defendant
FORD MOTOR COMPANY

Dated: June 8, 2005

By;
/S/

MARILYN YOUNG
Natural Mother of Decedent,
TERESA ANN BARBA

Dated: June 8, 2005

By;
/S/

STEPHANIE LORAIN BARBA
Plaintiff & Natural Adult Daughter of Decedent,
TERESA ANN BARBA

1
2
3 Dated: July 3, 2005

By;

4 /S/

JESSICA LYNN BARBA

Plaintiff & Natural Adult Daughter of

5 Decedent,

6 TERESA ANN BARBA

7
8
9 Dated: June 15, 2005

By; /S/

10 LEO DREISEN

As Guardian ad Litem for Plaintiff

11 WILLIAM DREISEN

12 Minor Plaintiff & Natural Son of Decedent

13 TERESA ANN BARBA

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18 **VERIFICATION AS TO PLAINTIFF**

19 **WILLIAM DREISEN, A MINOR**

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21 I, LEO DREISEN, am the natural father and Guardian ad Litem of the minor,
22 WILLIAM DREISEN, who is a plaintiff in the above-entitled action. I have read the foregoing
23 *Stipulation of Dismissal Because of Settlement* and know the contents thereof, and I certify
24 that the same is true of my own knowledge, except as to those matters which are therein stated
25 upon my information and belief, and as to those matters, I believe it to be true.
26

27 Page 8 of 10

28

Stipulation of Dismissal Because of Settlement; and Order Approving Settlement
and Stipulation of Dismissal Because of Settlement

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this 15 day of June, 2005, at Redding, California.

/S/

LEO DREISEN, as Guardian ad Litem for
Plaintiff WILLIAM DREISEN, a Minor

Gq

**ORDER APPROVING SETTLEMENT AND STIPULATION OF DISMISSAL
BECAUSE OF SETTLEMENT**

GOOD CAUSE APPEARING THERFOR,

IT IS HEREBY ORDERED that the *Settlement* proposed herein be and hereby is approved;

IT IS FURTHER ORDERED that the *Stipulation for Dismissal Because of Settlement* be and hereby is approved;

IT IS FURTHER ORDERED that the medical lien in the amount of \$417,639.65 asserted by the State of California, Department of Health Services; and the medical lien in the amount of \$194,439.50 asserted by the State of Oregon, Department of Human Services, in connection with this matter (medical expenses incurred by TERRESA ANN BARBA prior to her death) are hereby waived;

IT IS FURTHER ORDERED that Barr & Mudford, LLP be paid the sum of \$23,475.00 out of the total settlement amount as partial reimbursement for its costs incurred in this matter;

Page 9 of 10

**Stipulation of Dismissal Because of Settlement; and Order Approving Settlement
and Stipulation of Dismissal Because of Settlement**

IT IS FURTHER ORDERED that this action be dismissed with prejudice;

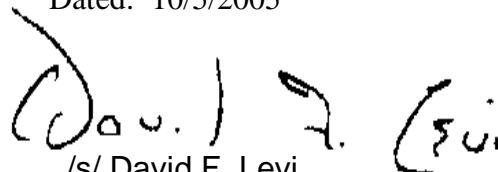
IT IS FURTHER ORDERED that, pursuant to the terms of this stipulation and the settlement described in this stipulation, MARILYN YOUNG and the adult plaintiffs, STEPHANIE LORAIN BARBA and JESSICA LYNN BARBA, each be paid the sum of \$2,000.00 out of the net settlement (after costs);

IT IS FURTHER ORDERED that the net settlement sum (after costs) of \$2,000.00 designated for the minor, WILIAM DREISEN, be paid to LEO DREISEN, in his capacity of Guardian ad Litem of said minor, to be used at the discretion of said Guardian ad Litem for the benefit of the minor; and

IT IS FURTHER ORDERED that the total settlement amount of \$31,475.00 be disbursed as set forth above in this stipulation.

IT IS SO ORDERED:

Dated: 10/5/2005



/s/ David F. Levi

DAVID F. LEVI

United States District Judge